

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

Applicant(s): John R. Wullert II

Docket No.

APP 1256

Serial No.
09/769,417Filing Date
01/24/2001Examiner
BUI, BING QGroup Art Unit
2642

Invention: Method and Apparatus for Creating a Presence Monitoring Contact List with Dynamic Membership

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PTO/SB/17 (10-03)

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

\$110.00

Complete If Known

Application Number	09/769,417
Filing Date	01/24/2001
First Named Inventor	John R. Wullert II
Examiner Name	BU1, BING Q
Art Unit	2642
Attorney Docket No.	APP 1256

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None Deposit Account:

Deposit Account Number

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The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments Charge any additional fee(s) or any underpayment of fee(s) Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity | Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non - English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1480	130	1480	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR § 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

SUBTOTAL (2) (\$)

\$0.00

*or number previously paid, if greater; For Reissues, see above

Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

\$110.00

SUBMITTED BY

Name (Print/Type)

James W. Park

Registration No.
(Attorney/Agent)

16154

Complete (if applicable)

(733)699-4465

Signature

Date

09/20/2004

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, 700 Leesburg Pike, Falls Church, VA 22042, ATTN: Director, Office of Data Management, Planning, and Evaluation. TEL 703-305-4402.

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF
TIME UNDER 37 CFR 1.136(a) (Large Entity)**

Docket No.
APP 1256

In Re Application Of: John R. Wullert II

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SEP 20 2004

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Serial No.
09/769,417

Filing Date
01/24/2001

Examiner
BUI, BING Q

Group Art Unit
2642

Invention: Method and Apparatus for Creating a Presence Monitoring Contact List with Dynamic Membership

TO THE COMMISSIONER FOR PATENTS:

This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of 06/10/2004 in the above-identified application.
Date

The requested extension is as follows (check time period desired):

One month Two months Three months Four months Five months

from: 09/10/2004 until: 10/10/2004

The fee for the amendment and extension of time has been calculated as shown below:

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	11 -	20 =	0	x \$18.00	\$0.00
INDEP. CLAIMS	1 -	3 =	0	x \$86.00	\$0.00
FEE FOR AMENDMENT					\$0.00
FEE FOR EXTENSION OF TIME					\$110.00
TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME					\$110.00

COMBINED AMENDMENT & PETITION FOR EXTENSION OF
TIME UNDER 37 CFR 1.136(a) (Large Entity)Docket No.
APP 1256RECEIVED
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SEP 20 2004

The fee for the amendment and extension of time is to be paid as follows:

A check in the amount of _____ for the amendment and extension of time is enclosed.

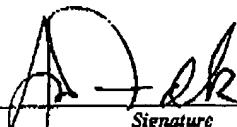
Please charge Deposit Account No. 021822 in the amount of \$110.00

The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No.

Any additional filing fees required under 37 C.F.R. 1.16.

Any patent application processing fees under 37 CFR 1.17.

If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No.


Signature

Dated:

Sept 20, 2004

James W. Falk (Reg. No. 16,154)
Telcordia Technologies, Inc.
One Telcordia Drive 5G116
Piscataway, NJ 08854-4157

I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC:

Appl. No. 09/768,417
Response Dated 09/20/2004
Reply to Office Action of 06/10/2004

APP 1256

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SEP 20 2004

Appl. No. : 09/768,417
Applicant : John R. Wullert II
Filed : 01/24/2001
Title : Method and Apparatus for Creating a Presence
Monitoring Contact List with Dynamic Membership
TC/A.U. : 2642
Examiner : BUI, BING Q

Docket No. : APP 1256

Mail Stop Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Sir:

This is in response to the non-final Office Action dated June 10, 2004, in the above identified application. For the reasons set forth below applicant requests the withdrawal of this Office Action and allowance of the application.

Applicant appreciates the courtesy shown to applicant's attorney in the telephone interview of September 20, 2004, and this Response has been prepared in the light of that interview.

A Final Rejection was issued by the Examiner in this application Sept. 24, 2003. In response thereto applicant filed a Notice of Appeal, dated December 24, 2003, and was received in the PTO mailroom December 29, 2003. Following that an Appeal Brief, in triplicate, was submitted March 24, 2004, and received in the PTO mailroom March 26, 2004.

Appl. No. 09/768,417
Response Dated 09/20/2004
Reply to Office Action of 06/10/2004

APP 1256

Applicant has, accordingly, been awaiting the Examiner's Answer to applicant's Brief. Alternatively, the Examiner could withdraw the Final Rejection and either allow the application or issue a new basis for rejection. In fact, the Examiner has done none of these options.

What the Examiner has done is to issue an Office Action, without withdrawing the Final Rejection or removing the application of its status as being on Appeal. Further, the Office Action issued is, verbatim in large part, a repeat of the Final Rejection from which the appeal has been taken. Applicant strongly disagrees with the Examiner's conclusion that claims 1-11 are unpatentable, 35 USC 103(a) in view of Bajzath et al patent 6,114,644 either alone or in view of Bateman et al patent 6,311,231, for the reasons set forth in applicant's Appeal Brief, which brief applicant urges the Examiner to review in lieu of its being repeated in this response.

Accordingly, applicant strenuously objects to the issuance of this non-final rejection and requests that the Examiner either file an Examiner's Answer in the pending Appeal or allow the application.

A petition for a one month extension of time is attached.

Respectfully submitted,

John R. Wullert, II

By: 
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